IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1529 of 1983

HONOURABLE MR.JUSTICE KS JHAVERI

==========

BAI LADUDI WD/O MANJIBHAI DHULABHAI & 1 - Appellant(s)
Versus
SABIRBHAI RASULBHAI SHAIKH & 1 - Defendant(s)

==========

Appearance :
MR Y.M. THAKKAR for Appellant(s) : 1 - 2.
NOTICE SERVED for Defendant(s) : 1,
MRS VASAVDATTA BHATT for Defendant(s) : 2,
MR KN RAVAL for Defendant(s) : 2,

==========

CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 18/08/2006

ORAL JUDGMENT

1. This appeal is at the instance of the original claimants for enhancement of compensation as awarded by the Motor Accident Claims Tribunal, Panchmahals, Godhra by judgement and award dated 29th January 1982 passed in Motor Accident Claim Petition No.375 of 1981, whereby the Tribunal has awarded a sum of Rs.29550/- along with interest at the rate of 6% per annum.

2. The case of the claimants was that one Manji Dhula was waiting at Baria S.T. Bus Station for bus and at that time, one S.T. Bus, while coming on reverse, knocked down the said Manji Dhula as a

result of which he died. His legal heirs have filed the aforesaid claim petition claiming a sum of Rs.51,700/- which was partly granted as stated hereinabove.

3. Learned Advocate for the appellants submitted that the Tribunal has committed an error in taking the income of the deceased only at Rs.250/-, that monthly dependency and multiplier were on the lower side.

4. The deceased was a labourer and no supporting evidence was produced in respect of his income. The Tribunal has taken the income at Rs.250/- per month and the learned Advocate is not able to point out anything from the record that the claimant is entitled to any higher amount on this count. Looking to the age of the deceased the Tribunal has taken multiplier of 8 which is quite just and proper. The Tribunal has awarded Rs.5000/- towards pain, shock and suffering and nothing is pointed out to raise that amount. The Tribunal has also paid amount a sum of Rs.200/- towards medical expenses. However, learned Advocate for the appellants is unable to point out anything to show that the appellants are entitled to any higher amount.

5. In the premises aforesaid, this appeal is dismissed. No order as to costs.

[K.S. JHAVERI, J.]

ar